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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/866,259

05/25/2001

James Ching-Shau Yik

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02/25/2009

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

600 Galleria Parkway, Suite 1500

ATLANTA, GA 30339-5948

EXAMINER

TOLENTINO, RODERICK

ART UNIT

PAPER NUMBER

2434

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	09/866,259	YIK ET AL.	
	Examiner	Art Unit	
	Roderick Tolentino	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1 – 20 are pending.

### *Response to Arguments*

2. Applicant's arguments filed 11/25/2008 have been fully considered but they are not persuasive.
3. Applicant argues that Lee fails to disclose teach or even suggest, "a plurality of switching entry protection flags, corresponding to the plurality of switching entries, each of the plurality of switching entry protection flags configured with a predetermined value that determines whether each of the switching entries is protected from update; and a controller executing a secure switching database update process, for at least one of the switching entries, wherein executing a secure switching database update process includes determining, from at least one of the switching entry protection flags, whether the at least one of the switching entries is protected from update and receiving a modification instruction including a change of at least one of the respective communications ports for at least one of the data network node identifiers, whereby an attempt by a hostile data network node to effect a modification of the at least one communication port of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments," with regards to claims 1, 3, 4, 5, 6, 7, 10 and 13.
4. Lee discloses a plurality of switching entry protection flags, corresponding to the plurality of switching entries, each of the plurality of switching entry protection flags

Art Unit: 2434

configured with a predetermined value that determines whether each of the switching entries is protected from update (Lee, Paragraph 0058, validity flag) and a controller executing a secure switching database update process, for at least one of the switching entries, wherein executing a secure switching database update process includes determining, from at least one of the switching entry protection flags, whether the at least one of the switching entries is protected from, update and receiving a modification instruction including a change of at least one of the respective communications ports for at least one of the data network node identifiers (Lee, Paragraph 0049, update process to keep switch updated), whereby an attempt by a hostile data network node to effect a modification of the at least one communication port of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments (Lee, Paragraph 0062, Flag set to invalid and is disabled and not updated). Applicant's arguments are directed towards the Provisional application 60/285936. The Lee reference claims priority from this Provisional. On page 9 of the provisional, it teaches a flag enabling a port. The port can either be enabled or disabled and this is indicated by a flag, this flag similar to the flag of the claim language in Claim 1 where switching entry protection flags configured with a predetermined value that determines whether each of the switching entries is protected from update. The argument that the Provisional fails to teach an update is moot since updating information via a port is just intended use. Intended use is not patentable material. The port as taught in the provisional shows how the port can transfer data or not based on the flag indicator of the port. One of

ordinary skill in the art would see how this reads on the claim language in Claim 1 of "protection flags configured with a predetermined value that determines whether each of the switching entries is protected from update."

4. Further the provisional supports the data in the Lee reference which claims priority from the provisional.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3 – 7 and 10 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. U.S. PG-Publication No. (2002/0156888).

7. As per claims 1, 3, 4, 5, 6, 7, 10 and 13 Lee discloses a plurality of communications ports (Lee, Paragraph 0020, plurality of ports) a switching database having a plurality of switching entries, each one of the plurality of switching entries specifying an association between a one or more data network node identifiers and a one or more respective communications ports (Lee, Paragraph 0020, switching fabric that dealing with plurality of nodes and links), a plurality of switching entry protection flags, corresponding to the plurality of switching entries, each of the plurality of

switching entry protection flags configured with a predetermined value that determines whether each of the switching entries is protected from update (Lee, Paragraph 0058, validity flag) and a controller executing a secure switching database update process, for at least one of the switching entries, wherein executing a secure switching database update process includes determining, from at least one of the switching entry protection flags, whether the at least one of the switching entries is protected from, update and receiving a modification instruction including a change of at least one of the respective communications ports for at least one of the data network node identifiers (Lee, Paragraph 0049, update process to keep switch updated), whereby an attempt by a hostile data network node to effect a modification of the at least one communication port of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments (Lee, Paragraph 0062, Flag set to invalid and is disabled and not updated).

8. As per claim 11, Lee discloses a step of suppressing the replications of the data traffic to the source communications port (Lee, Paragraph 0062, Flag set to invalid and is disabled and not updated).

9. As per claim 12, Lee discloses suppressing the replication of the data traffic to communications ports having the associated unknown destination flood control bit set (Lee, Paragraph 0062, Flag set to invalid and is disabled and not updated).

10. As per claim 14, Lee discloses a step of suppressing the replication of the data traffic to the source communications port (Lee, Paragraph 0062, Flag set to invalid and

is disabled and not updated).

*Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. PG-Publication No. (2002/0156888) in view of Civanlar et al. U.S. Patent No. (5,996,021).

13. As per claim 2, Feldman fails to teach the communication ports are represented in the switching entries via port identifiers. However, in an analogous art Civanlar teaches the communication ports are represented in the switching entries via port identifiers (Civanlar, Col. 9 Lines 6 – 26).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Civanlar's Internet protocol relay network with Lee's method for detecting and reporting configuration errors in a multi-component switching fabric because it offers the advantage of PORT ID fields having local significance depending on the particular IPRR and the destination of the IP Packet (Civanlar, Col. 9 Lines 6 – 26).

14. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. PG-Publication No. (2002/0156888) in view of Lubarsky et al. U.S. Patent No. (4,893,340).

15. As per claim 8, Feldman fails to teach the topology discovery disable flag is associated with the source communications port. However, in an analogous art Lubarsky teaches the topology discovery disable flag is associated with the source communications port (Lubarsky, Col. 24 Lines 13 – 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Lubarsky's multijunction unit apparatus for a digital network with Lee's method for detecting and reporting configuration errors in a multi-component switching fabric because it offers the advantage of proper routing of information in a system.

16. As per claim 9, Feldman fails to teach the topology discovery disable flag is associated with all physical communications ports of the data switching node. However, in an analogous art Lubarsky teaches the topology discovery disable flag is associated with all physical communications ports of the data switching node (Lubarsky, Col. 24 Lines 13 – 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Lubarsky's multijunction unit apparatus for a digital network with Lee's method for detecting and reporting configuration errors in a multi-



component switching fabric because it offers the advantage of proper routing of information in a system.

17. Claims 15 – 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. PG-Publication No. (2002/0156888) in view of Daniell et al. U.S. Patent No. (7,065,644).

18. As per claims 15 – 20, Feldman fails to teach an alarm configured for trigger if at least one of the switching entries is protected from update. However, in an analogous art Daniell teaches an alarm configured for trigger if at least one of the switching entries is protected from update (Daniell, Col. 6 Lines 62 – 67 and Col. 7 Lines 1 – 2, security application alerts administrator of unauthorized changes).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Daniell's system for protecting a security profile of a computer system with Lee's method for detecting and reporting configuration errors in a multi-component switching fabric because it offers the advantage of enforcing a set of rules that prevent unauthorized users from accessing or modifying applications (Daniell, Col. 1 Lines 20 - 23).

### *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2434

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino  
Examiner  
Art Unit 2434

Roderick Tolentino  
/R. T./  
Examiner, Art Unit 2434

/Kambiz Zand/  
Supervisory Patent Examiner, Art Unit 2434